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Attorneys for Defendant
Electronic Arts Inc.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

WHITE KNUCKLE IP, LLC, a Utah limited
liability company,

Plaintiff,

v.

ELECTRONIC ARTS INC., a Delaware
corporation,

Defendant.

**ELECTRONIC ARTS INC.'S
ANSWER AND COUNTERCLAIMS TO
PLAINTIFF WHITE KNUCKLE IP,
LLC'S FIRST AMENDED COMPLAINT**

Case No.: 1:15-cv-00036-DN

Judge David Nuffer

Defendant Electronic Arts Inc. (“EA”), by and through its undersigned counsel, hereby submits its Answer and Counterclaims in response to Plaintiff White Knuckle IP, LLC’s (“White Knuckle”) First Amended Complaint for Patent Infringement (“Complaint”) as follows. The numbered paragraphs in the Answer correspond to the numbered paragraphs of the First Amended Complaint (“FAC”).

PARTIES

1. EA is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the FAC, and therefore, denies them.
2. Admitted.
3. Admitted.

JURISDICTION AND VENUE

4. EA denies it has committed any act that would give rise to any cause of action asserted in the FAC. EA admits that the Complaint purports to be an action that arises under the Patent Laws of the United States, Title 35 of the United States Code. EA admits that the Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) to adjudicate actions arising under the Patent Laws of the United States.

5. For the purposes of this action only, EA does not contest that this Court possesses personal jurisdiction over EA. EA denies the remaining allegations set forth in Paragraph 5 of the FAC.

6. For purposes of this action only, EA does not challenge that venue is proper in this District. EA denies that this forum is convenient for the parties and witnesses and reserves

all rights to seek to transfer the present action to a more convenient forum. EA denies the remaining allegations set forth in Paragraph 6 of the FAC.

FIRST CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 8,529,350)

7. EA incorporates by reference its responses to Paragraphs 1-6 above as if fully set forth herein.

8. EA admits that the '350 Patent bears an issue date of September 10, 2013. EA denies that the '350 Patent was duly and legally issued. EA admits that Exhibit A appears to contain a true and correct copy of the '350 Patent as issued. EA is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 8 of the FAC and, therefore, they are denied.

9. EA is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 9 of the FAC and, therefore, they are denied.

10. EA is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 10 of the FAC and, therefore, they are denied.

11. EA denies the allegations in Paragraph 11 of the FAC.

12. EA denies the allegations in Paragraph 12 of the FAC.

13. EA denies the allegations in Paragraph 13 of the FAC.

14. EA denies the allegations in Paragraph 14 of the FAC.

PRAYER FOR RELIEF

15. EA denies that White Knuckle is entitled to any relief, and specifically denies all of the allegations and prayers for relief contained in Paragraphs 1-7 of White Knuckle's Prayer for relief.

AFFIRMATIVE DEFENSES

EA incorporates by reference the foregoing paragraphs in their entirety and asserts the following Affirmative Defenses. By asserting these Affirmative Defenses, EA does not admit that it bears the burden of proof on any issue and does not accept any burden it would not otherwise bear. EA reserves the right to amend this Answer with additional defenses as further information becomes available.

FIRST AFFIRMATIVE DEFENSE

16. EA has not infringed and is not infringing any claim of the '350 Patent.

SECOND AFFIRMATIVE DEFENSE

17. The '350 Patent is invalid, unenforceable, and void for failure to comply with the conditions of patentability specified in Title 35 of the United States Code, including, but not limited to, Sections 101, 102, 103, and 112 thereof.

THIRD AFFIRMATIVE DEFENSE

18. White Knuckle is not entitled to injunctive relief because any alleged injury to White Knuckle is not immediate and/or irreparable, and White Knuckle, if entitled to relief, which EA denies, has an adequate remedy at law.

FOURTH AFFIRMATIVE DEFENSE

19. White Knuckle is barred by 35 U.S.C. § 288 from recovering any costs associated with this lawsuit.

FIFTH AFFIRMATIVE DEFENSE

20. White Knuckle's right to seek damages, if any, is limited, at least by 35 U.S.C. §§ 286 and/or 287.

SIXTH AFFIRMATIVE DEFENSE

21. Upon information and belief, as a result of prosecution before the Patent and Trademark Office leading to the issuance of the '350 Patent, and by reason of admissions and/or amendments made by or on behalf of White Knuckle, White Knuckle is estopped from claiming infringement by EA of one or more claims of the '350 Patent. Moreover, any claim of infringement of the '350 Patent under the doctrine of equivalents would be limited by prosecution history estoppel.

RESERVATION OF RIGHTS

22. EA reserves the right to assert additional affirmative defenses as they become known through further investigation and discovery.

COUNTERCLAIMS

Defendant Electronic Arts Inc. ("EA"), for its Counterclaims against White Knuckle IP, LLC ("White Knuckle"), states as follows as set forth below.

JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction over the following Counterclaims under 28 U.S.C. §§ 1331, 1338(a), 2201, and 2202.

24. This Court has personal jurisdiction over White Knuckle because White Knuckle filed the FAC in this action.

25. Venue is proper in this district under 28 U.S.C. § 1391(b) and because White Knuckle commenced this action in this district.

PARTIES

26. Counterclaim-Plaintiff EA is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 209 Redwood Shores Parkway, Redwood City, California 94065.

FIRST COUNTERCLAIM
(Declaratory Judgment of Non-Infringement of U.S. Patent No. 8,529,350)

27. EA repeats and realleges the foregoing paragraphs, as if fully set forth herein.

28. White Knuckle alleges in its FAC that it owns all right, title, and interest in and to the '350 Patent.

29. White Knuckle, by its FAC, has charged EA with direct infringement of the '350 Patent.

30. EA denies any infringement and is not infringing any claim of the '350 Patent.

31. EA seeks a judicial declaration that it does not directly infringe the '350 Patent.

32. There exists, therefore, an actual controversy between White Knuckle and EA with respect to the '350 Patent.

SECOND COUNTERCLAIM
(Declaratory Judgment of Invalidity of U.S. Patent No. 8,529,350)

33. EA repeats and realleges the foregoing paragraphs, as if fully set forth herein.

34. The '350 Patent is invalid and void for failure to comply with the conditions of patentability specified in Title 35 of the United States Code, including, but not limited to, Sections 101, 102, 103, and 112 thereof.

35. An actual case and controversy exists between White Knuckle and EA based on White Knuckle having filed a FAC alleging infringement of the '350 Patent, and that controversy

is ripe for adjudication by this Court.

36. EA seeks a judicial declaration that the '350 Patent is invalid and/or void.

PRAYER FOR RELIEF

WHEREFORE, EA respectfully prays for judgment against White Knuckle as follows:

1. Dismissing with prejudice the FAC against EA;
2. Declaring that EA does not directly infringe any claim of the '350 Patent;
3. Declaring that the '350 Patent is invalid, unenforceable, and/or void;
4. Declaring that this is an exceptional case under 35 U.S.C. § 285 and awarding to EA its attorneys' fees;
5. Awarding to EA its costs and disbursements of this action; and
6. Awarding such other and further relief as this Court may deem just and proper.

JURY DEMAND

EA hereby demands a jury trial on all issues so triable.

Respectfully Submitted,

Dated: April 2, 2015

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CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and sent notification of such filing and a copy of the foregoing to the following:

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/s/ H. Dickson Burton
